THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 31st day of January,2007

W.P.No.9843 of 1997

Between:-

S. Venkataiah ...
Petitioner

and

The Commissioner of Land
Revenue, Andhra Pradesh, Hyderabad
and others ...
Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9843 of 1997

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to allow the petitioner to go on voluntary retirement on medical grounds and to appoint his son S.Sreenivasa Rao as Village Administrative Officer in his place.

It appears, the petitioner was appointed as Patwari in the year 1968. In view of abolition of Village Officers' system, he was appointed as Village Assistant on 10-7-1987 and continued till 18-2-1992. Thereafter, he was appointed as Junior Assistant and then as Village Administrative Officer of Elabotaram. While so, in the year 1991, he was attacked with Paralysis. Therefore, he made an application to the respondents to grant voluntary retirement to him and appoint his son S.Sreenivasa Rao as V.A.O. in his place. The grievance of the petitioner is that no action has been taken by the respondents so far.

In the counter filed on behalf of the respondents, it is asserted that according to Rule 25 of the A.P. Village Administrative Officers' Service Rules,1990 while appointing a substitute in a vacancy of V.A.O., the competent authority may give preference to a suitable and qualified person, who has been nominated by the V.A.O., who is granted leave, subject to the condition that the said V.A.O. shall furnish a personal security for a sum as may be

specified by the competent authority for the conduct of his nominee and for safe custody of cash and important records. In fact, the petitioner submitted a representation stating that he is unable to discharge his duties due to ill-health and nominated his son S.Sreenivasa Rao as substitute to perform the duties of V.A.O. Accordingly, the son of the petitioner – S.Sreenivasa Rao – who has been nominated by the petitioner has been appointed as temporary V.A.O. as substitute to perform the duties of V.A.O. of Elabotharam unit from 1.8.1995 to 1.1.1996 and later, the temporary appointment has been extended from time to time by granting leave to the petitioner. However, under Rule 37 of A.P.V.A.Os Service Rules,1990, the V.A.Os are not eligible to go on retirement on medical invalidation. Therefore, the case of the petitioner cannot be considered.

Be that as it may, this Writ Petition has been filed when the petitioner was aged about 48 years and now about 10 years have been elapsed and the petitioner must have attained 58 years. If for any reason, the son of the petitioner is continued as V.A.O., he shall be continued on the same terms and conditions. This will not prevent the authorities from considering the case of S.Sreenivasa Rao, the son of the petitioner for appointing him as V.A.O. on regular basis, as per law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

31-1-2007

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